

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TERRELL RANEY,)
)
Plaintiff,)
)
vs.) Case No. 4:07CV1150 CDP
)
JASON CRAWFORD, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before me upon a review of the file. Plaintiff has filed a motion for appointment of counsel. There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

I do not believe that the facts and legal issues involved in this case are so

complicated that the appointment of counsel is warranted at this time. Moreover, plaintiff appears capable of representing himself in this action. Having considered the relevant factors, I will deny plaintiff's motion for appointment of counsel.

I will also exercise my discretion and grant defendants' motion for leave to file their answer out of time over plaintiff's objection. The interests of justice weigh in favor of allowing defendants to defend themselves on the merits of this action, and plaintiff is not prejudiced by allowing them to do so. If plaintiff needs additional time to prepare his case for trial as a result of my decision to grant defendants' motion, then he should move to amend the case management order.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [#42] is denied.

IT IS FURTHER ORDERED that defendants' motion for leave to file an answer out of time [#44] is granted.

IT IS FURTHER ORDERED that plaintiff's motion to deny defendants' motion for an extension of time [#45] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 4th day of January, 2008.